HOUSE OF COMMONS

Education Committee

Oral evidence: The impact of Covid-19 on education and children's services, HC 254

Wednesday 1 July 2020

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Watch the meeting

Members present: Robert Halfon (Chair); Apsana Begum; Dawn Butler; Jonathan Gullis; Tom Hunt; Dr Caroline Johnson; Kim Johnson; David Johnston; Ian Mearns; David Simmonds; Christian Wakeford.

Questions 691 -765

Witnesses

I: Amanda Batten, Chair, Disabled Children's Partnership, Philippa Stobbs, Assistant Director, Council for Disabled Children, Ali Fiddy, Chief Executive, IPSEA (Independent Provider of Special Education Advice), and Imogen Jolley, Head of Public Law, Simpson Millar.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]

Examination of witnesses

Witnesses: Amanda Batten, Philippa Stobbs, Ali Fiddy and Imogen Jolly.

Chair: Welcome to our witnesses. Some of you know us from previous occasions on the Education Committee. Thank you for putting up with the Zoom technology, and we really welcome you today.

Just for the benefit of the tape and those watching on parliamentlive.tv, could I please ask you, if you are happy, to indicate whether we should call you by your first names or last names? What would you prefer? Is first name okay?

Philippa Stobbs: Fine.

Chair: Thank you. We will start with you, Amanda. If you could just introduce yourself, all of you, and your titles. Thank you.

Amanda Batten: I am Amanda Batten, and I am Chair of the Disabled Children's Partnership.

Philippa Stobbs: I am Philippa Stobbs. I am the Policy Vice-chair of the Special Educational Consortium.

Imogen Jolley: Imogen Jolley, and I am Head of Public Law at Simpson Millar Solicitors.

Ali Fiddy: I am Ali Fiddy. I am the Chief Executive of IPSEA.

Q691 **Chair:** Thank you. May I open the session by asking: have children with special educational needs been forgotten or left behind more than other children during the coronavirus pandemic that we have had to endure?

Amanda Batten: At the Disabled Children's Partnership we surveyed over 4,000 families with disabled children during May to get their experiences of lockdown, and, Chair, you are absolutely right. That was the predominant finding, that families feel very much forgotten.

Overall, the picture from the survey was one of exhaustion and stress, so a lot of families are not only home schooling, they are also home-nursing, administering therapies, some doing 24/7 care, generally with very little support. We are seeing the impact of that on children with SEND. Some 45% of parents said that their child's physical health had deteriorated, and just over 70% said their child's emotional or mental health was worse.

I know we are talking about education today, but I think it is important just to put that discussion in the context of the wider pressures on families. Three quarters have had any support they had for caring for their disabled child before lockdown cut once lockdown started, so there is that wider context of withdrawal of services and pressures on the families in which children live.

Q692 **Chair:** What I want to crucially know is: have they been forgotten in terms of support? Everyone seems to be talking about children in general but there has not been a lot of talk about children with special educational needs during the coronavirus.

Philippa Stobbs: I do not think they have been forgotten. The problem is the waiving of the main duty, the section 42 duty to make the provision in a plan. The waiving of that duty and the reasonable endeavours duty has been interpreted so variably locally. There is some stunning provision that has been made for some children and families in some areas. The difficulty is that in other areas parents have had no contact with either their child's school or their local authority about what is going to be provided for them through that reasonable endeavours duty. The impact of that, as families testify, is absolutely devastating. The pre-existing inequalities in the system have been exacerbated because so little has been done in some places for children who are already experiencing difficulties in their education.

Q693 **Chair:** Do any of you have data for the children with special educational needs whose families believe that they have not had much contact with the school or the local authority?

Philippa Stobbs: We do not have data. I am quite concerned that the DfE, I think, does not have data. There will be general data about how many children have been attending school, but there is nothing about what children and families are receiving during this period. The difficulty for a family left to home educate their child with lack of any provision from a school or local authority is almost unimaginable. The impact of that in terms of physical and mental wellbeing is going to be deep and, I feel, lasting.

Imogen Jolley: I endorse everything that Amanda and Philippa said, and that is certainly the picture and the pattern that we are seeing. Simpson Millar has surveyed 1,000 people, 400 of whom had children with EHCPs, and a significant proportion—almost 60%—indicated that they had seen a significant drop-off in services. Their children are in the main not in school full-time, including children who are in specialist provision. The expectation was that they were going to get a little bit more support, but that just has not materialised.

Generally, the pattern is exactly as Philippa and Amanda say in terms of what we are seeing with regard to both educational provision and also social care provision: lack of respite, lack of social groups, activities and so on for children with SEN, which has had a significant impact on mental health issues.

Ali Fiddy: Of course, this current situation, since temporarily legislative changes have been introduced, is against a deepening crisis in SEND provision, which this Committee found last year following the SEND inquiry. We are certainly seeing families through our advice line who are really struggling.

It has been a very interesting narrative around children and young people with SEND. The guidance and the narrative in general talks about them in the context of being vulnerable, and it is really important to recognise that children and young people with SEND are not vulnerable by virtue of having SEND. They are vulnerable by virtue of the way that the system treats them. In fact, families as a whole are certainly feeling vulnerable as a result of the dilution of local authority obligations.

What we are certainly seeing is the risk assessment process being used as a blanket excuse for not meeting the needs of children and young people and not having them in their education settings, with either no reasons being given or quite serious reasons around, for example, "Your child is incapable of social distancing," or, "Your child won't wash their hands without prompting." In fact, we had a caller where a parent raised exactly that point. Their child is in reception. That is clearly not an issue that is unique to a child in reception who has SEND.

Q694 **Chair:** Thank you. In terms of the catch-up premium the Government announced of £1 billion, what is it that needs to be done to help these children with special educational needs who have been left behind, who may not have had much contact? The figures, as we understand, show that only about 23% of special educational needs pupils are attending school at the moment. What is it that needs to be done and what proportion of the catch-up premium is needed to look after these children?

Philippa Stobbs: The first thing is that all the announcements about individual tuition and the national tuition service say nothing about children and young people with SEN and disabilities. That is really problematic. These are children who should, in effect, have been having something of this nature tailored specifically to help support them, yet there is no reference to their needs within those announcements. That is deeply worrying because everything we know says that the SEN/non-SEN gap is going to widen through these experiences, because the impact of being separated from the provision or the complete lack of provision for some children is clearly going to put them in a very different place.

Q695 **Chair:** What needs to be done?

Philippa Stobbs: The individual tuition announcement and the national tuition service need to be adapted to show how they are going to help to meet the needs of children with SEN and disabilities, specifically.

Q696 **Chair:** Does anyone else want to comment? If I could ask you all to be as concise as possible because we have a lot to get through and there are quite a few witnesses today. Who else would like to comment on that, please?

Ali Fiddy: It is very similar to the things that we need in relation to the broader crisis in SEND provision and responding to that. There needs to be proper scrutiny and interrogation from Government about what is happening on the ground for children and young people with SEND. The question is not as simple as, "How many children and young people with SEND are in school?"

What we are certainly hearing from families is that very many children and young people with SEND who are apparently in school are on very part-time timetables. Of course, if you are a child or a young person with an EHC plan in school and your provision is not being delivered, there is a huge question mark about exactly how beneficial that can be.

What we would like to see is proper accountability around the risk assessments, around who the children are that are in school, how long they are in school for, what provision is being delivered and what provision is not being delivered, and the way in which decisions have been made around that. We are very concerned that there is not that level of reporting back to the DfE from local authorities and schools.

Q697 **Chair:** You are all clear that there has not been proper guidance. There has been general guidance on catch-up for children but nothing on special educational needs. I think that is what Philippa was saying. Is that right? Yes. Imogen, do you want to say something?

Imogen Jolley: I was just going to say it is not necessarily just about the catch-up situations from an academic point of view, but the thing that a lot of SEN children have missed out on is the health provision that they get—the therapy provision, speech and language, occupational therapy, physio—all of which has effectively dropped off a cliff in the last couple of months. The impact of getting those children back into that routine and engaging is going to be significant, and that needs a real focus. It is not just necessarily getting them back in school. It is planning that properly to make sure that they are properly engaged with health.

Q698 **Chair:** Thank you. Does anyone else want to say anything on this?

Ali Fiddy: Also, I think there are some particular groups of children and young people who have been particularly vulnerable in terms of these changes that have been introduced, particularly those who are undergoing phased transfer, for example, those who will really struggle with changes to their routines. Autistic children, for example, who have not been able to have the proper transition planning happening over the summer and in the lead-up to summer and that period. It is going to have a long-term impact, so we have to recognise that this will not come to an end when that dilution of the absolute duty is lifted or indeed—

Q699 **Chair:** Do you think there has been enough support for parents who have children with special educational needs during the lockdown?

Ali Fiddy: Definitely not.

Q700 **Chair:** What should have been done? Anyone else?

Amanda Batten: Definitely not, and we know most people have had their support withdrawn. What urgently needs to happen right now is for Government to focus on how to get short breaks and child mental health support up and running again. Families who really rely on short breaks and support with caring or perhaps have carers coming into their homes have seen that support completely fall away. It was maybe understandable in April, but now, as time goes on, those pressures are really unsustainable for families. We need some funding and a plan to kick off those services over the summer.

Q701 **Chair:** Thank you. You are saying, in essence, that you need a separate catch-up plan for children with special educational needs.

Amanda Batten: Yes, exactly, and to go wider than the tuition points, just echoing Ali and Imogen's points around the transition back.

Q702 **Chair:** Thank you. Philippa, briefly, if you can.

Philippa Stobbs: You opened the question about catch-up, but I think there is that preliminary step that, in effect, other witnesses have referred to. Children may not be in a good physical or mental place to be able to learn, so I do think there is a preliminary step that is about addressing some of the wellbeing issues. That is not necessarily referrals through mental health services and so forth. It is, if you like, re-socialising, re-establishing routines for children on the autism spectrum, those sorts of things that are needed to put children in a better place to be able to learn. Those issues do need to be addressed before we talk about catching up in attainment terms.

Q703 **Chair:** Thank you. Finally, before I pass to my colleagues, what is the impact that Covid-19 has had on children and young people with special educational needs who are already excluded or vulnerable to exclusion?

Imogen Jolley: Dealing with exclusions has obviously gone away over this period because children are not in school, so more children are not getting excluded, but for those that were previously excluded, we are struggling to get engagement from local authorities to get them back into—

Q704 **Chair:** What measures need to be put in place to minimise the impact on young people with SEND who are already excluded from school?

Imogen Jolley: It is similar to the wider package of measures that need to go in. There has to be a focus, an assessment on those children to look at what their particular needs are, and there has to be real engagement in terms of the risk assessment and getting them back into provision as quickly as possible, which does not seem to be being done at the moment.

Philippa Stobbs: Just to add, you asked specifically about those already out, but connected with the concerns about both physical and mental wellbeing there are huge concerns that, as children return to school, if those issues are not addressed, we will see a real rise in exclusions at that point if those behaviours that are evident on their return are not addressed as wellbeing issues rather than as disciplinary issues.

Q705 **Tom Hunt:** You have touched on routines being disrupted and how this is detrimental to a number of young people who have special educational needs. I spoke to a special school that has been established in my constituency this year and their focus is very much on the transition back to school, almost taking a therapeutic approach. As you say, Philippa, you start to crack on with catch-up in relation to just purely academic attainment. Do you think it will be necessary for the Government to provide additional support here? It seems as though that kind of approach may require some input from external professionals.

Chair: Who would like to answer? Ali, you have been a bit quiet, which is unlike you.

Ali Fiddy: It is very unlike me, indeed. Certainly, what we have been seeing is families who have felt utterly abandoned, for whom there has just been no support, no communication. I think what we have to recognise is that this goes way beyond issues around attainment. Relaxation of the timeframes for making decisions around EHC plan processes means that children who are in quite urgent need of assessment and support are going to have to wait much longer. It is also about recognising that this is much longer term, so there has to be a proper, co-ordinated approach to dealing with that backlog of children and young people who are waiting to have their needs assessed, who are also waiting to have plans finalised for transfers in September.

We must not lose sight of that group in particular, because what we know, of course, is that local authorities frequently fail to comply with their legal obligations when they are absolute. If what you do is introduce any level of discretion or flexibility, that is going to be taken advantage of. Certainly, there are statutory deadlines around phased transfer of EHC plans to children moving from primary to secondary and from secondary to FE, and those were back in March and February. The guidance that came from Government was very silent, other than to say, simply, "We should not be in a position where those plans have not yet been finalised, but if you have not done so, you need to do that urgently".

The reality is there are huge numbers of children and young people whose placement in September is not yet confirmed. That has to be a really significant focus.

Philippa Stobbs: I would like to address the point in terms of the fact that the Covid situation has exacerbated pre-existing problems. We have seen with the SEN data that was issued just this week a rise in young people who are not in education, employment or training and a rise in terms of the number of children who are reliant on EHC plans. We have seen a rise in the number of children who are out of school and awaiting placement or not in education at the moment for a range of reasons. Those are structural issues that we need to address much more fundamentally.

Q706 **Tom Hunt:** It is quite a specific point in terms of children who have emotional and mental challenges here, which have been significantly exacerbated by lockdown, and the challenge of reintegrating them into a school environment. It is to do with that approach in the first instance, almost a therapeutic approach, which is one that some schools are taking this back to. To do this adequately, it seems to me it will require some expertise, potentially, really focusing on that mental wellbeing angle. I know lots of specialist teachers already have an understanding of that, but it may require slightly more than that and some additional resource from Government to really support those schools that take that approach.

Amanda Batten: I think the answer is yes, there does need to be that additional investment in support. As you say, there are going to be different groups of children that are going to struggle in different ways with the return to school, but absolutely I think we can confidently predict at this stage that not every child with SEND will be back at school in September without that kind of support. For children with autism, they are going to find that change really difficult again. Sleep patterns will be all over the place, their whole routines are all upside down, and school will look very different, too. It is not quite the place they left, so that is going to take some getting used to. Absolutely, some broader support.

There are also children whose mental health and behaviour has really deteriorated. There are also a smaller group of children for whom school is a very difficult place and they are happier out of school. They have benefited. That is fine in the short term, but they are going to really struggle to get them back and the number of school refusals will go up.

Can I just say on the behaviour point—

Chair: Briefly, please.

Amanda Batten: Children and families have been struggling with children's behaviour deteriorating for lots of very good reasons and not having the support to manage, but that is where a recognition of that is really important from the Government.

There have been leaks over the weekend around the guidance that is coming out tomorrow around return to school, and in some of those leaks there was mention of a no-nonsense approach to behaviour. It is just a real concern that the pressures on families and children with SEND will be seen in that light.

Q707 **Christian Wakeford:** This is a question to all of the panel. I was just yesterday speaking to the Greater Manchester Disabled People's Panel. That was disabled people in general, not just children. They were overwhelmingly saying that they had a sense of abandonment and being left behind during the crisis. Would you say this has been amplified for children? Also, which groups of children, young people and families would you say have been most impacted, and why? We have been hearing stories, particularly for those children who are on the spectrum, where online learning has been an impediment to school learning, rather than trying to aid and mitigate the gap.

Ali Fiddy: Certainly, I echo exactly the experiences that you were hearing there. I mentioned earlier that we are hearing lots from families who have felt really abandoned, who have not had the communication from local authority SEN officers, from schools. There is quite a significant group of children and young people that have been significantly impacted by Covid and by these temporary legislative changes. Of course, it is all children and young people with EHC plans because of the absolute duty being diluted to deliver provision, but it is also, as I mentioned, those who are going through the process of securing an EHC plan and may be part way through that process. It is those children and young people who are in most need of support, because the greater the provision in EHC plans, the less likely it is that local authorities are going to say that they have been able to secure it despite using their reasonable endeavours to do so.

Of course, those that I mentioned, which are those children and young people going through phased transfer, are going to be significantly impacted for a long time. The one group that seems to have been forgotten is the group of children who are supported under SEN support. Of course, that is the vast majority of children and young people with special educational—*[Interruption.]*

Q708 **Chair:** Can you repeat that bit, because the phone went off and it went a bit funny? You said there was one group of people. I could not hear any of it, and it was quite important. I think you were about to say something important.

Ali Fiddy: Sorry. The one group of children and young people who I think are being a little bit forgotten are those who are supported at SEN support, because of course the guidance has been completely silent for them. That is the vast majority of children and young people with SEN. Of course, it is also huge numbers of children and young people with speech, language and communication—

Q709 **Chair:** Are you talking about pupils who are not on EHCPs?

Ali Fiddy: Exactly, yes.

Q710 **Chair:** You are saying that they have not been looked after, in essence, at all.

Ali Fiddy: There has been no additional support for those children and young people at all.

Q711 **Chair:** It is very depressing, what you are telling us this morning, I have to say. I am very glad that we have you here, but it is incredibly depressing, what we are hearing.

Philippa Stobbs: Just to add to Ali's point, the problem for children with SEN support is that unless a school differentiates the work that they are sending home, children cannot access it. There might be a school that perhaps is managing to send work home in some way, whether it involves virtual learning as well or not, but if that work is not differentiated, if it is not appropriate for them, then that just reinforces a sense of failure for them that they are not able to engage with this, and effectively they have nothing to do at home in relation to their schoolwork.

Q712 **Christian Wakeford:** I think Ali summed it up extremely well. Some of the stories that I have been hearing personally have been quite shocking, and certainly that transition back into school. I went around some of my primary schools recently to see what the guidance looked like in practice. That is going to be a huge shock to the system, and indeed there is going to be an even greater need for pastoral support for all children, especially those with SEND.

What steps need to be taken to mitigate the impact on children and their families in the short and longer term? While this has been an incredibly difficult time for children, I also understand that with home schooling, home care for three months and potentially longer, there will probably be a greater need for respite for parents and families as well. If there would be a short-term impact and a longer-term impact to address these, what would you suggest?

Philippa Stobbs: We need to almost rethink the beginning of next term and to think about that in terms of a period of transition. In effect, for many students, they will want the opportunity to re-engage, re-socialise and so forth. There will be many children who will be able to get straight on into the academic agenda, but the general approach needs to be that of—at least for the first part of next term—thinking in terms of a curriculum that is primarily about physical wellbeing and mental wellbeing.

I am not saying that we do not engage in learning, because engaging in learning is an important part of building up self-esteem, but the focus needs to be on that wellbeing, re-establishing routines, re-socialising, re-engaging and getting into a place where you can get on well enough with your peers that you can work in groups to learn. We know that works best. It is that kind of agenda that we need to think about and really need to promote, rather than, "We can't tolerate any bad behaviour on return to school". If it is conceptualised in disciplinary terms, it will fuel exclusions and we will have more children out of school, more children eventually NEET. It is really important that we have that kind of agenda for next term.

Chair: Thank you. Christian, anymore before we ask the other witnesses?

Q713 **Christian Wakeford:** I think Philippa summed that up very well. The last thing we need is greater SEN exclusion, especially when there is a dwindling supply of PRU places.

Chair: Exactly.

Imogen Jolley: I was just going to say that the premise of the Children and Families Act was much better co-ordinated working between education, social care and health, and never more so has there been a need for that system to be working effectively, and particularly in relation to social care and the issues of increased respite and increased assistance with social care for families. There has to be a real focus on getting those agencies to engage with each other; otherwise all of this is going to be disjointed and will not work, so that needs to be emphasised.

Ali Fiddy: Of course, what we would like to see is a repeal of the temporary regulations and the withdrawal of this notice diluting the absolute duty to deliver provision. I certainly think that the issues around exclusions are absolutely crucial. We know that when children are out of school for a lengthy exclusion there needs to be a proper plan of reintegration to bring them back in, often on a part-time timetable, a gradual reintegration. That is going to be relevant for all children and young people regardless of whether they have additional needs, but certainly for children with special educational needs that is going to be absolutely critical to ensure that we do not see an enormous spike in exclusions.

Q714 **Chair:** Just quickly, before I come over to Kim, we had the Safeguarding Alliance, which does safeguarding in schools, appear before our Committee. They said there were new frontiers of vulnerable children being exposed to online harms, county gangs and very tough situations at home. What would you say in terms of that for children with special educational needs? Are there new, strong safeguarding issues for them as well during the lockdown?

Philippa Stobbs: I would confident that there are, because children with special educational needs will be as vulnerable or more vulnerable to such online experiences. I fear the problem is we do not know and the problem will be a hidden one.

Q715 **Kim Johnson:** Good morning, panel. You all mentioned at the beginning of the session that families felt forgotten and left behind, and that the problems of significant underfunding and shortage of practitioners have been exacerbated by the pandemic. This is a question for all of you. What do the Government now need to do to support children and their families, particularly in respect of mental health support?

Amanda Batten: It is coming back to some of the points that have already been realised. We need an immediate investment and a plan to get short breaks and respite services going again, and I think the Government need to support providers to innovate and redesign their services so that we can get more families benefiting from them. It is a long time, and there are quite a few months to go until September. That support needs to come back.

On child mental health support, again it is about how we can invest and get those services up and running, and supporting families through that transition period, which we particularly talked about.

Philippa Stobbs: We need a much more rigorous oversight of the Equality Act requirements for children and young people with disabilities. The structural problems beforehand, which meant that more children with SEN were excluded from school, highlight the fact that for many children school has become quite an unfriendly place. The growth in reliance on plans, the growth in exclusions, the rising number of NEETs, the increased use of special schools: they all are signs of a structural problem in schools, which shows a disregard for the Equality Act requirements to treat, if necessary, disabled pupils more favourably. There has been little oversight of the duties and there has been an insufficiently rigorous approach to challenge.

At the moment, challenge to the system is in the hands of parents, and unless we have a more rigorous approach to challenging the inequalities and the discrimination that is highlighted by the figures, then we will not address the problems. If we ignore that underlying problem, we will not be able to address the symptoms.

Q716 **Kim Johnson:** I want also to ask a supplementary question about those children with that need—EHCPs—but who are unable to be assessed because they are not in school, and the impact that is going to have on them going forward in terms of the next school term. What do you feel needs to happen going forward in that respect?

Ali Fiddy: The barrier to those children being assessed is not the fact they are not in school. The barrier is the relaxation of the timescales around decision making for assessment and, indeed, completing that assessment. That is going to have a long-term impact because, once those timeframes are lifted, what you are going to start seeing are more appealable decisions starting to be made. What local authorities are doing is they are using this relaxation of the timeframes to frustrate the appeals process, essentially. If they do not make an appealable decision, a parent cannot appeal a decision not to assess or not to issue a plan to the tribunal. What we are then going to see, of course, is an increase in backlog in the tribunal.

That worries us significantly that those children are sat in the system waiting to be assessed, and local authorities are just making decisions. We have seen blanket policies in local authorities who have made a decision that they are not going to deal with any new requests for an EHC needs assessment. That is entirely unlawful. The relaxation of timeframes does not allow that decision to be made, but once again we are in a position where the onus is on families having to challenge their local authorities, and they are in a very difficult situation, as so many of us are anyway. If you add to that, parents and families are trying to cope with their children being at home, not getting the communication from their local authorities and their schools, differentiated learning materials not being provided, and risk assessments saying your child cannot come to school.

Philippa Stobbs: I feel we are painting a fairly depressing picture. One of the problems of the period of the suspension of the duties has been the variability across different areas. We have also seen some stunning good practice using virtual means to carry out assessments, using beautifully crafted therapy sessions, telephone and video therapy sessions. There have also been some assessments carried out virtually in this period.

Q717 **Chair:** What you are saying is this best practice is not wide practice. Is that right?

Philippa Stobbs: Exactly, and it is the variability that leaves some parents and some children with absolutely nothing.

Q718 **Chair:** As always, it is a postcode lottery.

Philippa Stobbs: Yes.

Imogen Jolley: I endorse everything Ali just said, and Philippa, but one of the things we must not forget is it is not just a postcode lottery; it is also a socioeconomic issue as well because, in my experience, families who have the capacity and the ability to shout the loudest are getting that better provision, and other families who perhaps may be more vulnerable, socially or economically, are not getting the same level of provision because they do not have the capacity to shout for that.

Amanda Batten: I completely echo that point from Imogen. The point on local variability is well made. I would just say that because the easements relax responsibilities on local authorities to go down to just make reasonable endeavours, that is such a low bar legally that it does not leave parents with a lot of scope to negotiate. It is a national question because the bar is set so low for everybody. In terms of the way forward, I would agree with Ali that those easements need to end as soon as possible.

Q719 **Kim Johnson:** I think the point made by Ali about the impact of socioeconomic differences is a valid one. Those children and families who struggled prior to the pandemic will continue, and that will be exacerbated now. I think all of the panel members have mentioned the interpretation of the guidance and the fact that it has been inconsistent and the fact that some schools have used risk assessments to prevent children from returning to school. The question to the panel is this. What now needs to happen to ensure that SEND children can return to school safely in September?

Chair: If you could all give concise answers to this one, please.

Ali Fiddy: There needs to be a focused plan for children and young people with SEND, both for now and also when schools reopen fully in September, not a blanket approach or a one-size-fits-all approach. We need to be looking at the needs of children and young people with SEND and also recognising that those children and young people have their own individual needs and requirements of provision required to meet those needs. That is absolutely critical. That has to be part of the plan, and it comes back also to that issue that I raised at the beginning, which is we have to have proper scrutiny about what is going on on the ground, and there has to be accountability where schools and local authorities are getting it wrong.

Imogen Jolley: I endorse what Ali said. I agree that the individualised risk assessment process would be extremely helpful in assessing what is going on in individual families plus individual circumstances with schools in a particular area. Parents have to be able to input into that process as well for that not to be a process that is happening behind closed doors, which allegedly it is at the moment. We have not seen any evidence of that when we have asked for it.

Amanda Batten: I agree with Ali that there needs to be a plan, and it needs to address some of the barriers to children returning to school. Some of those are logistical, like school transport, how that is going to work. I know the Department is aware of that. That is a real barrier for some families. I think there will be a rise in disability discrimination. Children are already being told not to come in if they cannot social distance or because they are too high risk. Thirdly, there is that group of children who are medically vulnerable. A lot of parents really feel that they need that confidence to return their child to school. They need to be confident about things like hygiene practices and PPE. There are a lot of questions from that community. If a child has to shield, there needs to be support for them to learn at home, a plan covering some of those challenges.

Philippa Stobbs: There needs to be a local recovery plan, rather than an individual school catch-up plan. A local recovery plan that engages all those agencies that are essential to supporting—

Q720 **Chair:** The local authority, their health, the school and so on?

Philippa Stobbs: Yes, a multiagency plan. Without that short breaks provision, that child may not be able to be in school. Without the healthcare provision, that child may not be able to be in school. A proper, local recovery plan for which there is accountability.

Chair: Understood. Thank you.

Q721 **David Simmonds:** Just a really quick question. Ali Fiddy has made a very concerning point. Would you be able to share with the Committee the evidence and the examples of the local authorities that you say have unlawful policies or blanket bans on various different processes? I am just concerned, for the record, that we have heard you say that, but I think we need to have the examples of those so that we can evidence it in due course.

Chair: As a corollary, it would be good to have evidence from local authorities that are doing good practice—local authorities and schools. Is that possible?

Ali Fiddy: Certainly, from IPSEA's perspective, families clearly do not come to us for advice and support where things are going well, so I just need to caveat what I say around that. I recognise that there will be pockets of good practice, but of course families do not come to us when that is the situation.

Q722 **Chair:** Are you able to give us the evidence that David has asked for?

Ali Fiddy: I can certainly do that in a follow-up, following this session.

Q723 **Chair:** Thank you. Philippa and Amanda and Imogen?

Philippa Stobbs: Yes, I am happy to contribute.

Amanda Batten: We can contribute, yes.

Imogen Jolley: Yes, we can.

Chair: In terms of the local authorities that are not doing their legal responsibilities even under the relaxed regulations, you can help us. Thank you.

Q724 **Tom Hunt:** This question is just about young people with dyslexia and dyspraxia. I am co-chair of the APPG on dyspraxia, and I have dyspraxia, so I am very passionate about this. There are a few things I am concerned about. The first is predicting grades. I have seen in a report we had that this could be good for children with dyslexia and dyspraxia. I am not convinced about that. I think predicting grades could be bad for them, because often those with dyslexia and dyspraxia are unconventional learners. They may not do brilliantly when it comes to classroom-based tasks and so on. That is being used as a baseline to predict grades, but I could see it disadvantaging many people with dyslexia and dyspraxia. I understand from Ofqual that it is seeking SEND support when predicting grades, but that is a concern for me.

Also, in terms of differentiating tasks, I know the Oak Academy has a section for those with special educational needs, but I have had it raised with me by a head teacher that they have not done quite enough to differentiate for dyslexic students, and the current resource is not quite there. I am very concerned about those with dyslexia and dyspraxia.

Chair: Can I have some concise answers, please, from any of you?

Philippa Stobbs: Very quickly, I think the problem is essentially at a school level. If the school is providing work for children that is not appropriately tailored to meet their needs, then it would apply to children with dyslexia and dyspraxia and a whole range of other specific needs. For example, children with a sensory impairment and so forth may not have been able to access the work in the same way. The responsibility of the school should be to provide that tailored support for children who are either at SEN support or where they are delivering provision in a plan.

Amanda Batten: In the survey of families in May—that is all groups of disability—a third said they had had no specific support in relation to their child's SEN in terms of their home learning. There are some examples of good practice, but there are large groups of families that would include those that you are talking about who have not had that home learning differentiated.

Ali Fiddy: Sorry, I do not have anything to add in relation to the differentiation.

Imogen Jolley: I think the issue of predicted exam grades is going to go a lot wider than children with SEN anyway and is something that we are going to have to deal with across the board with children in education. My experience is similar to what Amanda has said. Parents that come to us are indicating that work is not being differentiated and has just been sent out as a one-size-fits-all in the main. Again, like Ali says, we see the parents that are experiencing difficulties, rather than parents experiencing good practice.

Chair: Tom, did you want to come back or can I move on to Apsana? If you can be very brief, please.

Q725 **Tom Hunt:** It is that point about predicted grades, though, and it is just the fact that those with SEND tend to be unconventional learners. A lot of them can do quite well in exams, better than a lot of their teachers expect. My concern is they are going to be underpredicted. That was just my specific point.

Chair: Is that a general view among the witnesses?

Philippa Stobbs: I think it is going to affect different groups of children in different ways, and absolutely we need to be alerting Ofqual to it and making sure that those sorts of considerations are taken into account for every pupil.

Q726 **Apsana Begum:** My question is for all the witnesses. To what extent do families and the staff that support them feel comfortable with the situation regarding PPE in schools and other settings supporting children and young people with SEND?

Amanda Batten: Throughout the lockdown, parents of children who are shielding have been much more likely to say that they found Government guidance confusing. Certainly, in my day job, for a lot of the families we support at contact, it is a really hot topic in terms of concerns about what the arrangements will be in school around PPE and hygiene, especially for those children who need support, like toileting, feeding, children who might mouth objects or spit. What does a safe environment look like? I think that worry among parents will be a very practical barrier in terms of confidence to return their child to school. It is a very widespread anxiety, I would say.

Imogen Jolley: From a schools perspective, some of the issues that we have heard are around first trying to follow guidance as it comes out in slightly piecemeal fashion, but secondly having the budget and the funds to do this properly so that children are going to be well supported when they come back into school, with all the things they need, because school budgets are stretched immensely anyway and this adds additional cost to them. They may need additional staffing that they do not have budget for because they have had to cut TAs in the recent past and now need those TAs back in school. Also, the idea of bubbling in school as well creates the need for additional staff and additional resource. I think schools are worried that even their best endeavours are not going to be good enough if they do not have the budget and the funds to support that.

Ali Fiddy: The risk is, of course, that what we end up with is a situation where the children with the greatest needs in terms of personal care are the children who lose. That is where we also potentially see that increase in disability discrimination within education settings, but I would just echo what Imogen has said.

Q727 **Apsana Begum:** What practical assistance will children and young people with SEND, their families and organisations that support them need to best enable them to return to school?

Philippa Stobbs: I was just going to add a very specific point about children who are deaf or have a hearing impairment and lipread. I am aware that the use of face masks has caused a specific problem for those children.

In relation to that wider question, Apsana, I think that parents and children are going to need to feel confident about what is in place for their protection and need to be properly prepared for what will be in place for everyone’s protection. Getting used to the fact that in particular circumstances staff will be wearing PPE, where particular care proceedings or personal care is being carried out, and staff would potentially normally be wearing PPE anyway. It is about proper preparation for those situations.

Perhaps engagement in that risk assessment with the parents is one of the best ways of giving parents confidence. If we are looking at it from the angle of parental confidence, being engaged in that process and being able to say to a school, “What will happen when my child does this?”—discussing and agreeing that with the school is going to be one of the best ways of giving parents confidence and children being able to be properly prepared for what will be in place.

Q728 **Apsana Begum:** What do you think needs to be put in place for those that cannot return yet, perhaps because they are children with certain types of disabilities?

Ali Fiddy: For those children and young people who cannot go back to a school setting at this stage, if they have EHC plans, what should be happening is they should be receiving the provision that is set out in those plans, and there should be proper scrutiny where local authorities are saying that they have, despite their reasonable endeavours, not been able to secure it. What we would like to see, just reiterating the point I made earlier, is the lifting of that change, because it is incredibly detrimental to children and young people with EHC plans.

Q729 **Jonathan Gullis:** Hello, panel, and thank you, Chair, for allowing me in. Sorry for the delay. The tech is not working for me as well as it should.

We have been hearing about PPE from Apsana—a very important question. One of the biggest ways in which we know young people with SEND needs are transported is through buses, and with the 2-metre, now 1-metre-plus rule, I would love to get your thoughts on that, but also what you think about procurement. PEGiS is a group in Stoke-on-Trent that represents SEND children and their parents, and one of the biggest issues that we have had is procuring good-quality bus services that are regular and affordable to the local authority or to the parents. I want to hear from your perspective what you think of that.

Amanda Batten: School transport is going to be a really practical problem, as you say, for obvious reasons: you cannot fit as many children on the school bus. Remember that, as you know from your previous inquiry, children with SEND are more likely to have to travel long distances to school and often cannot use other forms of transport. It is a really practical problem. I do not have all the solutions. I know the Department is looking at it, and we need some guidance to come forward in the next few weeks so that those parents can start thinking about how they will make the return to school. Certainly, it is a practical logistical problem.

Philippa Stobbs: It needs to be properly addressed through some kind of local recovery plan. It needs to include the transport issues. In relation to the continuing need for virtual provision, that is going to be potentially teachers in front of classes and teachers having to provide virtual provision. There is quite a significant cost implication in all of what we have said if we are going to do this and do this well. Transport absolutely has to be part of that recovery plan because of the fact you will need more buses, not fewer. You will need to potentially plan them for slightly different timetables and so forth in order that we do not have everyone arriving by bus at the same time. There are all sorts of considerations that have to be part of a comprehensive local plan.

Q730 **Chair:** That is a significant funding issue for local councils, who mostly provide these community transport services.

Philippa Stobbs: Absolutely.

Imogen Jolley: There are a significant number of children who do not have a placement identified for September, who may well also have transport issues that have not been identified. Not only do we have the issue of children who are currently known about, but there may well be a significant tranche of other pupils who cannot make an application for transport because they do not know where they are going to be placed.

Ali Fiddy: Of course, if we end up in a situation where children and young people are gradually reintegrating into a formal learning environment, they could well have transport provision in place before their usual timetable. What I guess I am saying is that the plan around transport and return to school needs to happen on an individual basis and the two things need to run parallel to each other.

Chair: Jonathan, is that okay? I want to bring in Ian.

Jonathan Gullis: Yes. I very quickly just want to say thank you very much. This is a question that needs answering very quickly if we are talking about the reintegration of students in September. I absolutely echo the Chair's words about the funding. The question of who is going to pick up the tab has to be answered ASAP, because we know local authorities have already been stretched.

Chair: It comes to the separate point that you have been making about a proper plan for children with special educational needs in terms of both SEN and EHCPs.

Q731 **Ian Mearns:** We have been talking around this for a little while in terms of the different questions that have been asked and answered, but I want to concentrate on the impact that has been felt due to the temporary relaxation of the duty on local authorities and health bodies to secure or arrange the provisions specified in EHCPs. We have been talking about, to a large extent, youngsters not getting any EHCPs because of the hiatus, but also youngsters who have an EHCP nailed on are not necessarily getting the provision that is specified for them. Is there anything in particular that you would want to say about that?

Imogen Jolley: In our experience, a significant proportion of children are not getting the provision in their EHCPs. Parents were fairly silent about that during the first month or couple of months of lockdown because they appreciated the unprecedented nature of what has been going on, but now it is becoming absolutely acute. As I said earlier, I think the significant drop-off has been in terms of things like their therapies, which are virtually non-existent in the vast majority of cases.

Ali Fiddy: Just to pick up on the points I was making earlier, which is of course about legal obligations, we know there is a massive problem when legal obligations are absolute in terms of compliance with the law. This is deeply concerning that now, of course, we have this greater flexibility for local authorities. We are certainly seeing the temporary legislative changes being used as an excuse by some local authorities to delay making decisions, and also decisions that should have been made before 1 May. They are using this in a way that it is not intended; it does not cover those decisions.

It is certainly being interpreted and applied in a way that is unlawful, but it comes back to that point that I was making, which is your reliance then is on families seeking advice and challenging that on an individual basis. This level of uncertainty, the volume of guidance, the last-minute decision making, particularly around the notices for dilution of the absolute duty: they are coming at the 11th hour. They are being made once a month, but they are coming at the very last minute. The level of uncertainty that creates for families is utterly unacceptable.

Q732 **Ian Mearns:** Overall, an awful lot of this has come about—it has always been there—because we have had a significant shortfall in the special needs block for quite some time in terms of the resources available. When EHCPs are drawn up, they are quite often drawn up from a resource perspective as opposed to a needs perspective in terms of what the local authority thinks it can afford across the piece. That has a particular concern that has already been alluded to, in terms of educated, articulate, sharp-elbowed parents might dominate the demand side of the equation on behalf of their children, and many children with much greater levels of need may drop down the pecking order when it comes to securing provision that they really need. How effective are local authorities across the board at making sure that does not happen in the face of potential litigation or appeals processes?

Ali Fiddy: I think local authorities will often take the risk that parents will not challenge. Of course, there is not a pot of money that gets spread equally between the numbers of children in a particular area with SEND. It has to be driven and determined according to individual need and the provision required to meet those needs.

We know that there is a fundamental problem with compliance with the law at the most basic level. That is what is hugely concerning about this situation. Quite often, children and young people end up with an EHC plan that properly reflects their needs and the provision required to meet them because they have utilised the tribunal. Of course, at the moment, decisions are not being made triggering that right of appeal, so lots of children and young people are just left in limbo without the support that they need.

Imogen Jolley: I agree with what Ali says. Interestingly, one of the things that we have experienced is that the tribunal itself has not necessarily seen a drop-off in terms of the support that it has given to families to try to progress the appeal process. For any family that has managed to get through that net, the SEND tribunal has held up quite well in terms of its ability to continue functioning and making decisions and moving the process along, but the bottleneck is getting parents through to that system.

Q733 **Ian Mearns:** How are we, therefore, going to get around the patchwork quilt and the postcode lottery to make sure that similar levels of provision, no matter how bad or good, are available across the country, so that at least it is fair from the postcode or patchwork quilt perspective?

Amanda Batten: It comes back to restoring the Children and Families Act duties. Then, longer term, I think you are right to say that one of the challenges here is that the underlying system has been underfunded for so long. Coming out with this, we want Government to take that opportunity to address some of those challenges in the system as picked up in your report last year, and there is a real need for funding to try to make sure that some of these children are not just completely left behind.

The point around socioeconomic disadvantage has been emphasised in this period. Where that has always been a challenge, it is much more so now than perhaps it was when you did your report last year.

Q734 **Ian Mearns:** Is there not a real danger that without a real look at the resourcing—and that was echoed in our report last year, as you have kindly mentioned—we could be in an exercise where all we are doing is rearranging the deckchairs?

Amanda Batten: Yes, absolutely. There is a real need for funding and innovation in how families are supported at home as well as children at school.

Philippa Stobbs: One of the points that you talked about in your Committee last year was also about SEN support. The need for an EHC plan is being driven in part by failures at SEN support. It would be wrong to think that the funding just needs to be targeted on the children who have an EHC plan, though of course we need that as well.

We also need to think about what is squeezing that capacity at SEN support that means that the need is being driven up the system to the more expensive provision through an EHC plan. We should be meeting more children's needs through SEN support and through the core provision of schools. We need to address some of the design problems of that, which are perhaps around some of the behavioural problems, some of the assessment problems, which do not recognise the achievements of children and young people with SEN in the same ways they do for other children. We need to redesign that aspect of the system to make sure that is not pushing demand to the high end.

Ali Fiddy: Sadly, where there are further cuts to budgets and attempts to reduce the level of support for children and young people with SEND, the only way is ensuring that families understand their rights and entitlements and that they are both willing and able to access advice and support and able to pursue an appeal to tribunal. I think that is the very sad reality.

Q735 **David Simmonds:** To some extent the first question I was going to ask has been answered, but I will just slightly rephrase it. The relaxation clearly is intended to balance the pressures that councils and others are under. We have had a lot of comment about local authorities. Certainly, in my experience, at least 50% if not more of the time where there is an issue with an EHC plan, it relates to the healthcare aspect, although the local authority is the lead agency for producing it. Do you have any views about the effectiveness of the relaxation for enabling the NHS to do the work that it needs to do that is a crucial part of producing an education, health and care plan and more generally supporting children with SEND?

Imogen Jolley: In my experience, when EHC plans are being developed, it is the health input that is missing in the vast majority of instances anyway. If you are thinking of health in terms of the therapy support, then I do not know how much of that—OT, physio and so on—has been redeployed in relation to other needs within the NHS, but I would anticipate that probably a relatively small amount has because of the skillset. I think that it is about getting the engagement that should be there anyway, regardless of the pandemic, up and running as effectively as possible.

The EHCP development in terms of the educational provision is deficient in a number of instances anyway from local authorities, regardless of the health aspect. It does need an overhaul across the board.

Ali Fiddy: I echo what Imogen is saying, but also I am struggling to understand how we can accept that health provision that children and young people have been assessed as needing does not need to be provided—that there is something more important than that, in a sense. Provision set out in an EHC plan is provision that that child's needs require. Also, on the timeframe relaxation and the contribution from health to the EHC needs assessment *[Inaudible]*, for example, what the timeframe relaxation has allowed is for that evidence to take a bit longer to compile if there is a Covid-related reason for that. What we are seeing, of course, is that that is not what is happening on the ground, and there are blanket decisions being made about not completing processes within timeframes and not really demonstrating that there is a Covid-related reason for that.

Amanda Batten: Fifty per cent. of families who responded to our survey in May said they had lost their therapies completely, and then another proportion had had it delivered in a different way. That would include things like OT, physio that helps with muscle tone and strength. There was certainly a very considerable loss of therapies. The words that families used were words like "pain" and "discomfort", which would come up quite a lot in the responses.

There was an issue certainly with therapy staff in the health service for redeployment. The restoration guidance from NHS England came out a couple of weeks ago, so that makes clear that those staff can now be redeployed or should be redeployed back to support children with SEND. Going forward, we are looking at the easements coming to an end. I think now we should be expecting children to be accessing those therapies again.

Philippa Stobbs: Just to add to that, the NHS England guidance does signal some priority should be given to children and young people with needs that were met therapeutically prior to the move across into nursing assistant type roles. The guidance is there.

It is another instance, though, of where the Covid-related situation has exacerbated an underlying problem, which is that we do not have good joint commissioning arrangements in enough local areas to have had a substantial system in place to ensure that all the provision was made in the first place. The problems with making the provision in the first place should not be there if there has been a proper local audit and proper local commissioning. Once again, the Covid situation has exacerbated that underlying fault line.

Q736 **David Simmonds:** The second part of the question was going to be about what is required now to mitigate those negative impacts. I would be interested in your views. There has clearly always been, since the inception of EHCPs, a problem with the NHS input, and of course the local authority generally cannot issue the education, health and care plan unless the NHS has done the bit that it needs to do. It is always going to be a big problem but the visible part of this is the local authority, but a lot of problems with it are elsewhere.

Do you have a view, following on from this, on what we have learned about what might need to change? Is it a legislative change or is it about either encouraging or in some way mandating a different kind of behaviour through the joint commissioning process that Philippa talked about?

Chair: If you can be as concise as you can, both of you. Thank you.

Philippa Stobbs: Yes, I will try to be. I think it depends very much on rethinking the vision. The legislation is right; it requires the joint commissioning approach, it requires that local offer, clear articulation of what is available locally. It is about whether we can use this opportunity to rethink our vision for what we want to happen for this group of children, whether we can set out an agenda through local recovery plans that says, "When we do well by this group of children, the rest of the nation flourishes". It is much more dependent on conveying that message into every corner of the system. I do not believe it needs any legislative changes. The joint commissioning requirements are there: the duty to respond to requests for assessment advice, and the duty to make the provision. I think we need to convey a much more ambitious vision for what we want this group of children and young people to achieve.

Q737 **Chair:** The health element to all this came up significantly in our report, as you know, from last year.

Amanda Batten: To give a slightly different view from Philippa, I think that the joint commissioning arrangements and the legal responsibilities on health and social care could be stronger. We both agree that it is really important that the Government's SEND review picks back up as soon as possible and addresses some of these issues, but I think that the responsibilities around joint commissioning and the role of health and social care could be stronger, and that is something I would look to coming out of the SEND review.

Q738 **David Johnston:** I want to ask about the tribunal. You have probably covered the issues of access to the tribunal, although if there is anything else you want to say about that, then do. I wondered what lessons you think have been learned from the changes that have been made, and are there any of those changes you would see retained? A lot of what has happened in Covid has been very bad, but there have occasionally been positive things that we might like to keep. I wonder if you could comment on that, the lessons of the changes and whether there are any of them you would like to keep.

Imogen Jolley: As I said earlier, generally the tribunal has held up fairly well in terms of how it has dealt with things. It has moved to a system of purely virtual hearings now. That is certainly not for everybody, and some parents have indicated that they would prefer to wait until they can have a more normal—for want of a better word—type of hearing. A number of other parents have indicated to us that they welcome the idea of a virtual hearing because it saves them travelling time and they perhaps find it less stressful. Possibly retaining some element of virtual hearings moving forward would be beneficial to some, but I do not think all parents would want that 100% enforced, but possibly some more flexibility around how we run types of hearings would be good.

Ali Fiddy: Certainly, we have had reports from our volunteers who provide support to families through the tribunal process that it has worked well in some circumstances. Where we have some concerns is where, for example, families do not have any support or representation, and that can make it a much more difficult process. Certainly, some families, even with support from us, have not been able to participate fully. Certainly, poor IT has been a problem. We know of one case, for example, where the family did not have any device other than a mobile phone, and one parent had to use that in the garden in order to join the tribunal hearing because the other parent was inside the house, caring for their children. It has created some quite significant practical challenges for some, and I think we have to recognise that not everyone has equal access to IT and the facility to access a video hearing.

I certainly think that it has been very positive in other ways for some families, for the reasons that Imogen has just said, but what we would like to see are video hearings being an option in the future when it is possible to have in-person hearings, but certainly not compulsory.

Q739 **Chair:** Thank you. That raises a slightly indirect point. In terms of all the laptop schemes that the Government have done, in your knowledge what IT support has there been for families with children with special educational needs that are specifically focused on their needs? Are you aware of any from local authorities or schools or the Government?

Imogen Jolley: Initially, we had some significant concerns around families who perhaps did not have access to IT, and I am not sure that the Government scheme has resolved those in their entirety. We are still aware of families who have perhaps only one mobile phone and maybe three children, or they do not have access to broadband or a good internet connection.

Q740 **Chair:** Should there have been more of a focus on this point in terms of families with children with special educational needs?

Amanda Batten: Just to acknowledge that the Government did extend some funding to the Family Fund, which provides iPads and other equipment to low-income families with disabled children. I am not suggesting that that solved the problem, but we need to just—

Chair: That was something to support.

Imogen Jolley: Yes, there was something to support. Part of the issue that we have also had some feedback on is that the pieces of equipment were funded, but they were sent out to schools and some local authorities without software being uploaded, which has created an additional burden on schools having to do that. There has not been joined-up thinking around it.

Philippa Stobbs: I was just going to add that as we look forward, if there are children who will still not be in school in September, we need to make sure that those children have really good equipment and connection in order to not lose out further.

Q741 **Tom Hunt:** Just looking at SEND provision going forward, I do not feel that on the whole it has been treated as seriously as it ought to have been over the last few months. We have had sessions before with Ofsted, and it is my understanding that when inspections start again, a school can still be awarded a "good" or "outstanding" rating while at the same time there are significant deficiencies when it comes to SEND provision. My own view is it should be impossible to get "good" or "outstanding" if there are significant concerns about SEND provision. I want to know what your thoughts were about reforming the system we have.

Philippa Stobbs: The not-so-new Ofsted framework has picked up on SEN and disabilities much more effectively than the previous framework. Genuinely, we know of examples where schools have lost "outstanding" because they have not been making adequate provision for children with special educational needs. I do have some confidence that Ofsted will pick up those issues, whether comprehensively or not I could not say, but we certainly are aware that the new framework is making a difference in that respect. I agree with you, it is absolutely outrageous that any school could be getting an "outstanding" judgment when it is failing a significant group that particularly deserves the support to make educational progress.

Q742 **Tom Hunt:** You would not have it in there as an absolute requirement? I understand it looks like the new framework will be better than the last, but it is still possible for a school to be awarded "good" or "outstanding" while there are deficiencies in SEND. You would not agree with a hard-and-fast rule that just eliminated any possibility of it happening?

Philippa Stobbs: I am not sure it would be necessary. I am sure Ofsted will be reviewing the impact of the implementation of the new framework. I have no objection to there being a rule, but if the framework is doing the job, I would feel reasonably confident that Ofsted could pick up schools that were getting a good grade, that they would not get through unless they were making good provision for children with special educational needs.

Ali Fiddy: I would say, Tom, at IPSEA we would support your suggestion. Certainly, I think it is what is needed in order to incentivise inclusion within mainstream settings.

Q743 **Kim Johnson:** Thanks, panel. Your contributions have been really good today but, as you have mentioned, a bit depressing at times with what is happening to the sector.

My question is around the role that the third sector plays in providing support both to children and the families. The third sector has been hit hard as a result of the pandemic. I just want to know whether any information has been captured in terms of the impact this has had on children and families.

Philippa Stobbs: I think much of the short breaks provision is made through the third sector, so I was thinking that Amanda would probably be best placed to talk about that. The loss of that provision will have had an impact on the third sector, I guess.

Amanda Batten: Yes, the SEN disability sector has been impacted like a lot of the rest of the sector. Our fundraising income is predicted to be down this year, and particularly those organisations that rely on challenge events and individual major donor fundraising. My organisation will be impacted, too. You will start to see the effect of that a bit longer-term because organisations are trying to meet need now, but where income reduces in future years, that is going to reduce the services we are able to provide.

As Philippa says, a lot of charities also provide short breaks, and that has been a challenge. In other ways, the sector has done really well. People have been responding, developing new services, trying to do all they can to support families. A lot of small charities out there are doing fantastic work. It is certainly a challenging time, and I think we will probably see the impact hit a little bit later on towards the end of the year.

Q744 **Ian Mearns:** Just going back to Tom's point about Ofsted and "outstanding" judgments, particularly with regards to special educational needs. There will be an awful lot of "outstanding" schools where we do not know what is happening to kids with special educational needs because they have not been re-inspected for an awfully long time because they are "outstanding", and that is something that needs to be addressed by the system. It is just wrong, from my perspective.

Chair: I guess the panel agrees with that. Does anyone want to say anything?

Philippa Stobbs: Only to add that I think that long-standing gap is now changed with the new framework. I do think it would be a really good idea to ask Ofsted to undertake a thematic inspection on SEN and disability. It has not been doing that recently. I think it dropped out of the agenda a little while ago. This would be the time to carry out a thematic inspection.

Q745 **Chair:** Could I just return to what I asked at the beginning? We know, according to academic studies, that over 4 million children have had hardly any contact with their teachers during the lockdown, and over 2 million have done virtually nothing in terms of school homework or proper distance learning. What is your view in terms of the way schools have performed across the board in terms of looking after children with special educational needs? Obviously, there has been some remarkable work going on and there has been some incredible dedication shown by teachers and support staff in looking after these children in every way they can, but what is your general view? Please do not mince your words. We need to know exactly what has been going on.

Philippa Stobbs: Overall, our impression is that not enough has been provided and some children have had nothing. I do not think we have the data nationally to show exactly who has had what. As you say, we have heard some stunning examples of what has been provided, schools that have gone absolutely above and beyond—

Q746 **Chair:** Yes, we know, but I am just talking about the overall impression. We need to have evidence as opposed to anecdotes.

Philippa Stobbs: Absolutely, understood, but the point is I do not think we have the evidence because, as Ali has said earlier, we tend to hear from families who have not had anything, who are less happy with the system. I do not think we have the data to say who exactly has had what.

Q747 **Chair:** You said that you think it is the majority of children with special educational needs, or a minority, or what?

Philippa Stobbs: The majority we have heard about have been those who have been deeply dissatisfied, but I think there was a survey carried out by the University of York that showed there was quite an even divide between parents who were satisfied and dissatisfied with what their children had received during this period. It does tend to reinforce the

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[1] Research paper: Supporting Families with Children with Special Educational Needs and Disabilities During COVID-19

picture of that wide variation. I can find the reference to the research for you and forward that[1].

Q748 **Chair:** Thank you. What we need is evidence to find out what has been going on in order to inform us for the future.

Amanda Batten: The only evidence I have at the moment is the Government's figures on the number of children with EHCPs who have been returning to school. We know that was only 8% in April; it is now 26%. Then, from our survey, a third said they had not had any specific support with home learning. I do agree, we do not have that real depth of evidence.

I think the overall feel from parents through both helpline services and surveys is that the majority feel that they are not doing enough on home schooling.

Q749 **Chair:** Those studies that have been done on the 4 million and 2 million children that I mentioned. Have any studies been done breaking it down into children with special educational needs yet that you are aware of?

Amanda Batten: Not specifically that, no. There has been research carried out with the group of families and children with SEND, but not quite on the question you are asking.

Imogen Jolley: I do not know of any particular focus on that group of children in—

Q750 **Chair:** Is your view that the majority of children with special educational needs have not been getting the proper learning and support that they should have been getting during the lockdown? Is that your view?

Imogen Jolley: Absolutely. The absolute majority of parents that are in contact with us have not been getting the support that they need.

Q751 **Chair:** That is either from the school or the local authority or whomever?

Imogen Jolley: Yes, absolutely.

Ali Fiddy: Yes, based on the families that are in contact with us, that is our experience, not getting the support from the school with home learning or indeed getting the support on EHC plans from local authorities. Yes, that is definitely the—

Q752 **Chair:** Have you done your own surveys, either Imogen or Ali, in terms of the families you have been in contact with, like collecting data?

Imogen Jolley: Yes. We have done a relatively small survey of 1,000 parents, over 400 of whom have children with EHCPs. As I think I said at the beginning, about 60% of those families indicated that they had not received any—

Q753 **Chair:** The ones that are SEN but not EHCP?

Imogen Jolley: It was difficult to tell from the survey, but for both the full survey and breaking it down to EHCPs, it was similar percentages.

Amanda Batten: We did a survey of 4,000 families with disabled children, so a slightly broader group. I want to turn to a point Ali made earlier, which was—

Q754 **Chair:** Sorry, what did the survey show of the 4,000?

Amanda Batten: Those are the figures I have been quoting before, like a third not having support with home learning and three quarters having their social care support—definitely social care, health and financial support.

Q755 **Chair:** The third not having any learning, and how many not having any learning at school?

Amanda Batten: We know the numbers who have been in school from DfE figures, so we have that—8% in April, up to 76% now.

Q756 **Chair:** In terms of those kids at home not having any learning—

Amanda Batten: In terms of kids at home, from parents reporting, a third said they had no specific real support in relation to their child's SEN. I think parents understood that a bit more or were okay in April about that, in a sense. Almost their concern more is going forward because this is where the disparity is going to really start to become a problem going forward.

Ali Fiddy: Echoing what Amanda has said, I think initially, certainly in April, there was a greater tolerance from families as they were trying to settle into a new way of life in general. We certainly saw a drop-off demand for support, and I think that was across the sector in terms of those that provide support to families and children with SEND.

Q757 **Chair:** Thank you. It would be very helpful if you could send any data or evidence that you have, if you have not done so already, to the Committee.

Finally, looking forward, could each of you say what single action would have the most positive impact on the education of children with special educational needs as we come out of this lockdown and hopefully in September with most of the schools opening fully?

Philippa Stobbs: A single action would be to hold every public body to account more assiduously for their responsibilities under the Equality Act for disabled children. That would sweep in Covid-related issues and the core structural issues that I think have been exacerbated by Covid.

Imogen Jolley: I would say individualised risk assessments and the local assessment, and that then being supported by appropriate funding to ensure that those needs can be met that have been identified.

Ali Fiddy: I would say proper scrutiny and interrogation by Government of what has been happening on the ground under these relaxations of the law, because we know local authorities have been exercising their duties even under the relaxed legislation.

Amanda Batten: Government recognition of the way families of children with SEND have been impacted through Covid, because they just feel forgotten at the moment.

Q758 **Chair:** Should there have been more analysis in terms of the effect on children with special educational needs when the lockdown started and schools were closed? You are nodding, Ali. Anyone else? What should have happened, in a nutshell?

Philippa Stobbs: We should have been asking local authorities to submit data on how many children and families they had been in touch with for risk assessment purposes, how many were making the provision in a plan. We should have been gathering data on the impact in order to inform recovery.

Q759 **Chair:** Should that have been done by the DfE?

Philippa Stobbs: It would have to be data gathered locally, yes, but DfE should have been asking for data from local authorities, yes.

Ali Fiddy: There should have been a proper child impact assessment of children and young people with SEND, the impact of these legislative changes and relaxation of the timeframes in the regulations.

Q760 **Chair:** None of that happened?

Ali Fiddy: No.

Q761 **Chair:** As your respective organisations, did you urge the Department to do that as the lockdown started and it was clear that schools were going to have to close?

Philippa Stobbs: We have largely reported to DfE where we have picked up matters of blanket policies, the sorts of practices that Ali talked about. We have reported those to the DfE and we have urged them to understand and have some criteria for judging how well local authorities were performing.

Q762 **Chair:** Anyone else? Did you speak in advance to the DfE as this was happening, about what you wanted?

Ali Fiddy: To echo what Philippa said, very early on, prior to any of the relaxation of the rules, as we were becoming aware of unlawful local authority action, we were reporting that directly to the DfE and urging some clarification for local authorities, schools and parents in order that they could be clear about what their expectations could be.

Q763 **Chair:** Clearly, you want the regulations that have been watered down to, in essence, end now. You want everything back to normal as soon as possible. Is that right?

Ali Fiddy: Yes.

Q764 **Chair:** Have you made that clear to the Government?

Philippa Stobbs: Yes.

Q765 **Chair:** Will they do that, from what your conversations have been, in terms of the regulations?

Amanda Batten: We are all talking to the Department about this. I think they hear it and they are looking through their options. The return to school in September is a real game changer. I think the Department understands that children cannot be expected to return to school without the support in their EHCPs. The next decision comes at the end of July, and I think we all would hope that it is restored at that point.

Chair: Could I thank you all? Unless any member has any final question. What you do is really remarkable. You have given up your time today, and thank you for all you do for children with special educational needs. As you know, our Committee cares deeply about this subject, and our previous inquiry was 18 months long, which I think was the longest ever inquiry by a Commons Select Committee. Please carry on feeding in information to us as I have described, and I wish you all well and all the people in your organisations every good health. Again, a big thank you for your time today. It is really appreciated. It is nice to see you again as well.

Amanda Batten: Thank you.

Ali Fiddy: Thank you.

Imogen Jolley: Thank you.

Philippa Stobbs: Thank you.